

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

HOLLEY PERFORMANCE PRODUCTS,  
INC.,

Plaintiff,

v.

QUICK FUEL TECHNOLOGY, INC. AND  
MARVIN V. BENOIT, JR.,

Defendants.

E.D. Mich. Misc. Case No. 12-50232

Honorable \_\_\_\_\_

W.D. Ky. Civil Action No. 1:07-cv-185-M

HOLLEY PERFORMANCE PRODUCTS,  
INC.,

Issuer of subpoena,

SPECIALTY AUTO PARTS U.S.A., INC.,  
Non-party Subpoena Recipient  
Moving for Show Cause Order

**SPECIALTY AUTO PARTS U.S.A., INC.  
MOTION TO FILE UNDER SEAL**

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Inc.*

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*Attorney for Specialty Auto Parts U.S.A., Inc*

**MOTION TO FILE UNDER SEAL**

Specialty Auto Parts U.S.A., Inc. (“Specialty”), by its counsel, hereby moves this Court, pursuant to E.D. Mich. L. R. 5.3(b) for permission to file, under seal, its Motion for Order

Requiring Holley to Appear Before This Court To Show Cause Why An Order For Contempt Should Not Be Entered and Setting Date for Contempt Hearing (“Motion for Show Cause Order”). Specialty states as follows:

1. Specialty’s Motion for Show Cause Order, and the majority of the exhibits attached thereto, discuss, contain and reference highly confidential information that was produced pursuant to a third party subpoena issued by the Eastern District of Michigan, which incorporated a Stipulated Protective Order under Fed. R. Civ. P. 26(c) issued in the related lawsuit, *Holley Performance Products, Inc. v. Quick Fuel Technology, Inc. and Marvin V. Benoit, Jr.*, No. 1:07-cv-185-M (W.D. Ky.) (the “Kentucky Case”). A copy of the Protective Order is attached to the Motion for Show Cause as Exhibit E.

2. Specialty’s Motion for Show Cause also attached two motions in the Kentucky Case, which were filed under seal pursuant to an order by the Western District of Kentucky in the Kentucky Case. *See* W.D. Ky. No. 1:07-cv-185-M at Docket No. 218.

3. Specialty is pursuing this Motion for Show Cause Order because it believes that Holley Performance Products, Inc. (“Holley”) violated the Stipulated Protective Order by misusing its documents in contravention of the Stipulated Protective Order.

4. Filing under seal is necessary, and no other alternative is available because: (a) it is required by the Protective Order and (b) it is necessary to protect confidential and competitively sensitive business information of Specialty.

WHEREFORE, Specialty respectfully requests that this Court deem its Motion for Show Cause Order, as well as all Exhibits attached thereto, to be filed under seal.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: /s/Howard B. Iwrey

Howard B. Iwrey (P39635)

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Date: February 17, 2012

*Attorney for Specialty Auto Parts U.S.A., Inc*

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*Attorney for Specialty Auto Parts U.S.A., Inc*

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**BRIEF IN SUPPORT MOTION TO FILE UNDER SEAL**

**STATEMENT OF ISSUE PRESENTED**

Should the court allow Specialty Auto Parts U.S.A., Inc. (“Specialty”) to file its Motion for Order Requiring Holley to Appear Before This Court To Show Cause Why An Order For Contempt Should Not Be Entered and Setting Date for Contempt Hearing (“Motion for Show Cause Order”) under seal?

Specialty answers “Yes.”

**STATEMENT OF CONTROLLING AUTHORITY**

E.D. Mich. L. R. 5.3(b)

Federal Rule of Civil Procedure 26(c)

Specialty Auto Parts U.S.A., Inc. (“Specialty”), by its counsel, hereby moves this Court, pursuant to E.D. Mich. L. R. 5.3(b), for permission to file, under seal, its Motion for Order Requiring Holley to Appear Before This Court To Show Cause Why An Order For Contempt Should Not Be Entered and Setting Date for Contempt Hearing (“Motion for Show Cause Order”).

Specialty states that this motion is required by the Protective Order, entered pursuant to Fed. R. Civ. P 26(c), governing the production of documents, which are cited in the Motion for Show Cause and attached exhibits, and E.D. Mich. L.R. 5.3. Failure to file under seal would result in a violation of that Protective Order and cause significant competitive harm to Specialty.

WHEREFORE, Specialty respectfully requests that this Court deem its Motion for Show Cause Order, as well as all Exhibits attached thereto, to be filed under seal.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: /s/Howard B. Iwrey

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Date: February 17, 2012

*Attorney for Specialty Auto Parts U.S.A., Inc*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 17, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system and served counsel for Holley Performance Products, Inc., via email and United States mail at the following address:

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